

The logo for Hogan Lovells, featuring the firm's name in a serif font on a yellow rectangular background.

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April 10, 2024

Via ECF

Honorable Mae A. D'Agostino
United States District Court
Northern District of New York
445 Broadway
Albany, NY 12207

Re: *Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC, et al.*, 24-cv-00055

Dear Judge D'Agostino:

This firm represents Defendant Prime Capital Ventures, LLC ("Prime Capital") and the Third-Party Defendants (with the exception of Tina Roglieri). We write briefly in response to the April 9, 2024 letter (the "Letter") submitted by Paul Levine, as the Receiver for Prime Capital.

As an initial matter, the Letter violates the Court's repeated admonition that the parties should not seek relief from the Court without first obtaining permission.

With regards to the Receiver's request for relief, it is not clear whether the Receiver intends to issue subpoenas relating to Prime Capital. If he does, it is Prime Capital's position that such discovery could violate the Court's order that discovery should proceed only in accordance with the parties' arbitration agreement. Prime Capital, therefore, reserves all rights and will respond to the subpoenas when they are issued (if necessary). If, however, the contemplated subpoenas only relate to the Berone parties, Prime Capital has no objection.

Respectfully submitted,

/s/ Pieter Van Tol

Pieter Van Tol

cc: Counsel of record (by ECF)